

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CONOPCO, INC. d/b/a/ UNILEVER,

Plaintiff,

v.

2026 THIRD REALTY, LLC, HAE HEE
KIM, COURTNEY HAEJIN KIM, DANIEL
KIM, BRYANT KIM, K & K FOOTWEAR,
INC., AND JOHN DOES 1-10, inclusive,

Defendants.

Case No. _____

**DECLARATION OF STEPHEN G. WARD IN
SUPPORT OF CONOPCO, INC. D/B/A/
UNILEVER'S APPLICATION FOR AN *EX
PARTE* TEMPORARY RESTRAINING ORDER;
ORDER AUTHORIZING *EX PARTE* SEIZURE;
ORDER TO SHOW CAUSE FOR PRELIMINARY
INJUNCTION; AND ORDER ALLOWING
EXPEDITED DISCOVERY**

FILED UNDER SEAL

I, STEPHEN G. WARD, declare as follows:

1. I am a private investigator licensed in New York, and the CEO of Polaris Corporate Risk Management LLC. I am over the age of 18 and am competent to make this declaration which is based upon my personal knowledge of the facts stated herein. If called as a witness, I could and would testify to the statements made herein. I make this declaration in support of Plaintiff Conopco, Inc. d/b/a Unilever's ("Unilever") application for entry of an *ex parte* temporary restraining order, order authorizing an *ex parte* seizure, order to show cause for preliminary injunction, and order allowing expedited discovery (the "TRO Application").

2. I have over twenty-five years of experience and have conducted numerous intellectual property rights investigations. My practice focuses on all aspects of complex litigation, computer forensic investigations, trademark clearance and infringement investigations, insurance investigations, corporate intelligence, and counterfeit interdiction.

3. On April 22, 2022, counsel for Unilever, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, informed me that members of the public noticed large quantities of

HELLMANN'S-branded mayonnaise (the "Counterfeit Products") visible through the windows of what appears to be an empty storefront located at 2026 3rd Avenue New York, New York 10029 (the "Location") and instructed me to investigate. I was advised as follows:

- a. In an April 11, 2022 tweet, Twitter user @TanookiKuribo (13.5K followers as of reporting) uploaded pictures of the Location. The store was also covered by Newsweek in an April 14, 2022 article. My research indicates that additional individuals began posting pictures of the Location on social media, as shown below:



- b. One of Unilever's employees, Benjamin Murphy, visited the location on or about April 18, 2022 in response to the public attention. Mr. Murphy took several photographs of the Counterfeit Products. *See Declaration of Brian Murphy*, ¶ 10, Ex. 3.
- c. Unilever believes the Counterfeit Products to be non-genuine because the evidence from Mr. Murphy's initial inspection showed that the Counterfeit Products looked different from genuine Unilever products:

Counterfeit Product	Genuine HELLMANN's Product
	
	

See id., ¶ 12; Declaration of Melanie Luca; ¶ 4.

4. Unilever, through counsel, specifically asked me to (1) conduct an in-person inspection of the Location, and (2) research any individuals that may be affiliated with the Location. I began my investigation on April 23, 2022.

5. During my investigation, I learned that the Location is owned by 2026 Third Realty, LLC in the names of individuals Hae Hee Kim and Courtney Haejin Kim. Both women reside at 152 Delaware Ave., Haworth, New Jersey 07641 (“New Jersey Address”).

6. Additional research shows that other individuals with the same last name, Kim, are linked to the Location. Daniel Hungski Kim has been affiliated with the Location since August 1, 2006. Bryant Kim also is linked to the Location. Like Ms. Hae Hee Kim and Ms. Courtney Haejin Kim, Mr. Daniel Kim and Mr. Bryant Kim also have been presently or are recently affiliated with the New Jersey Address.

7. Moreover, the Location’s most recent mortgage documents, dated August 19, 2021, list Ms. Hae Hee Kim as 2026 Third Ave Realty, LLC’s Managing Member and Ms. Courtney Haejin Kim as a Member.

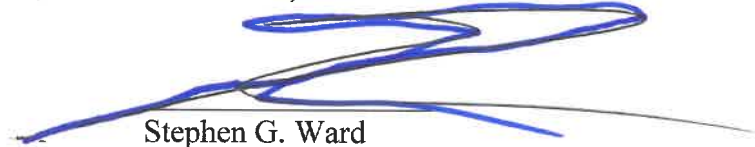
8. In addition to her affiliation with 2026 Third Realty LLC, Ms. Hae Hee Kim has been linked to additional entities, including K & K Footwear, Inc. K & K Footwear, Inc. maintains a storefront at 1992 3rd Ave, New York, New York 10029, only an approximate two-minute walk from the Location.

9. On April 23, 2022, one of my colleagues visited the Location. Upon arrival, the investigator found that a metal gate had been pulled down over the entrance to the store, limiting visibility and access.

10. Although the gate was closed at the time of the April 23, 2022 visit, the investigator approached several nearby residents. Those residents disclosed that the gate concealed numerous containers of Counterfeit Products which they claimed to have observed when the gate was previously opened. They further confirmed that the storefront had garnered interest from passersby, who would capture images of the Counterfeit Products.

I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed on April 27, 2022 in New York, New York.



Stephen G. Ward